

MC

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ILLINOIS

**RECEIVED**

EASTERN DIVISION

NOV 10 2016 *B*

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

Ferdinand Pickett

)

Plaintiff,

)

No.

v. *Paisley Park - Bremer Trust*

Judge

( Paisley Park- Bremer Trust )

)

Damages \$273 million Plus

( Elisabeth Schoening )

)

Punitive damages

( Jerry Auerswald – Auerswald Guitars)

( Wayne Andrew Beech Dhaitre Guitars)

( Ed Romad Guitars)

( Schector Guitars )

Defendants.

**1:16-cv-10503**

**Judge Edmond E. Chang**

**Magistrate Judge Sheila M. Finnegan**

COMPLAINT

Now comes the “ Plaintiff “ Ferdinand Pickett Prose, for the complaint against , - ( Paisley Park- Bremer Trust ) , ( Elisabeth Schoening ) , ( Jerry Auerswald – Auerswald Guitars) , (Wayne Andrew Beech Dhaitre Guitars), ( Ed Roman Guitars), (Schector Guitars )

(hereinafter “ Defendants” )

## **NATURE AND STATUTORY BASIS OF ACTION**

1. This is an action for : i) copyright infringement under copyright laws of the United States as provided for by 17 u.s.c. § 1125(a) (1) , the Lanham act.

## **2. PARTIES**

a) Plaintiff FERDINAND PICKETTE, is an ILLINOIS resident and resides at 351-A E. 91st, Chicago IL, 60619

b) Paisley Park, Address: 7801 Audubon Rd, Chanhassen, MN 55317

c) Bremer Trust , Address: 380 St Peter St #500, St Paul, MN 55102

d) Elizabeth Schoening, Address: 2521 Via Anita, Palos Verdes Estate, California 90274

e) Jerry Auerswald- Auerswald Instruments, Address: 78467 Konstanz Germany Gustav- Schwab Str 14N  
Ph: 0049-7531-66157

f) Wayne Andrew Beech, Address: 1651 Mt Baker Hwy, Bellingham, WA 98226

g) Ed Roman Guitars, Address: 3485 W Harmon Ave, suit 10 Las Vegas, NV 89103

h) Schechter Guitar, Address: 10953 Pendleton St  
Sun Valley, CA 91352

## Nature and statutory basis of action

1. This is an action for ii) copyright infringement under copyright law of the united states as provided for by 17 u.s.c. § 101 et seq i and ii) violation of is 17 u.s.c. § 1125(a), the Lanham Act.
2. I (FERDINAND PICKETT) is the sole owner of copyrights in the aforesaid unique sharpened symbol guitar which consist of creative material, and which is copy right able subject matter under the copyright laws of the united states, 17 u.s.c. § 101 et seq.
3. On Aug 27<sup>th</sup>, 1996, the U.S. copyright office registered, 2. I (FERDINAND PICKETT) in my guitar as copyright Reg No. Van 359-946, a copy of which is attached as exhibit A'.
4. Jurisdiction over all counts are expressly conferred on this court under 28 u.s.c. §§ 1331 and 1338(a).
5. Venue is properly laid in the Northern District of Illinois under 28 u.s.c. § 1391(b).
6. That this court find this case exceptional under is u.s.c. §1117 and award FERDINAND PICKETT his reasonable attorney fees.

6. STATEMENT OF RELEVANT FACTS

FERDINAND PICKETT is a luthier who makes

a ) unique shaped guitars.

b ) In 1992-1993 Ferdinand Pickett created a three- dimensional sculptural work comprising a unique shape Guitar ( ' Guitar' )

(Exhibit A)

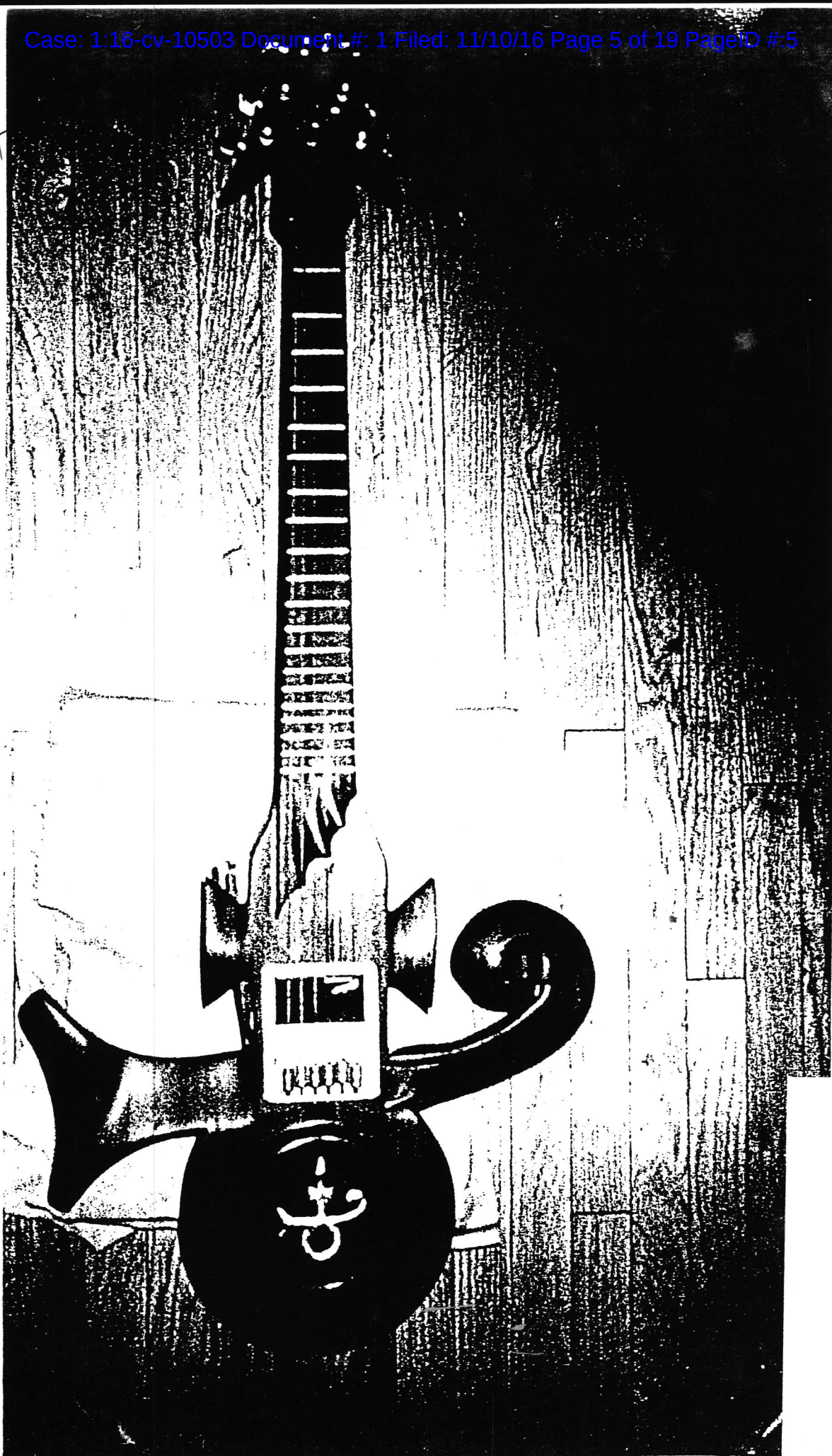
c ) In or about 1992-1993, Ferdinand Pickett also made a reduced scale model of the guitar.

d ) Ferdinand Pickett is the sole owner of the copyrights in the aforesaid unique shaped symbol guitar which consist of creative material, and which is copyrightable.

e ) On Aug 27, 1996 the U. S copyright office registered Ferdinand Pickett's copyrights in my guitar as copyright Reg. Van 359-946 a copy of which is attached ad (Exhibit B)



Exhibit  
"A"







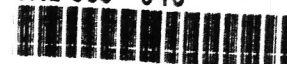
OFFICIAL SEAL

This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

REGISTER OF COPYRIGHTS  
United States of America

VAu 359-946



EFFECTIVE DATE OF REGISTRATION

8  
Month

27  
Day

96  
Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK

GUITAR

NATURE OF THIS WORK See instructions

SCULPTURE

PREVIOUS OR ALTERNATIVE TITLES

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give:

Volume

Number

Issue Date

On Pages

NAME OF AUTHOR

FERDINAND PICKETT

DATES OF BIRTH AND DEATH

Year Born Year Died

Was this contribution to the work  
a "work made for hire?"

☐ Yes

☒ No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country

OR

Citizen of

U.S.A.

Domiciled in

U.S.A.

WAS THIS AUTHOR'S CONTRIBUTION  
TO THE WORK

Anonymous?

☐ Yes

☒ No

Pseudonymous?

☐ Yes

☒ No

If the answer to either  
of these questions is  
"Yes," see detailed  
instructions

NATURE OF AUTHORSHIP Check appropriate box(es). See instructions.

☒ 3-Dimensional sculpture

☐ 2-Dimensional artwork

☐ Reproduction of work of art

☐ Design on sheetlike material

☐ Map

☐ Photograph

☐ Jewelry design

☐ Technical drawing

☐ Text

☐ Architectural work

NAME OF AUTHOR

DATES OF BIRTH AND DEATH

Year Born Year Died

Was this contribution to the work  
a "work made for hire?"

☐ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country

OR

Citizen of

Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION  
TO THE WORK

Anonymous?

☐ Yes

☐ No

Pseudonymous?

☐ Yes

☐ No

If the answer to either  
of these questions is  
"Yes," see detailed  
instructions

NATURE OF AUTHORSHIP Check appropriate box(es). See instructions.

☐ 3-Dimensional sculpture

☐ 2-Dimensional artwork

☐ Reproduction of work of art

☐ Design on sheetlike material

☐ Map

☐ Photograph

☐ Jewelry design

☐ Technical drawing

☐ Text

☐ Architectural work

3

YEAR IN WHICH CREATION OF THIS  
WORK WAS COMPLETED This information  
must be given  
in all cases.

1993

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information  
ONLY if this work  
has been published.

Month Day Year

Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as  
the author given in space 2.

Ferdinand Pickett  
1029 East 53rd Street  
Chicago, IL 60615

TRANSFER If the claimant(s) named here in space 4 are different from the author(s) named in space  
2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICATION RECEIVED

AUG 27 1996

ONE DEPOSIT RECEIVED

AUG 27 1996

TWO DEPOSITS RECEIVED

REMITTANCE NUMBER AND DATE

DO NOT WRITE HERE  
OFFICE USE ONLY

MORE ON BACK

\*Complete all applicable spaces (numbers 5-9) on the reverse of this page.  
\*See detailed instructions.  
\*Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of 2 pages

**Copyright**

United States Copyright Office

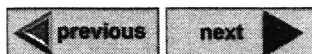
[Help](#)[Search](#)[History](#)[Titles](#)[Start Over](#)

## Public Catalog

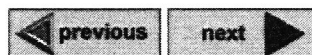
Copyright Catalog (1978 to present)

Search Request: Left Anchored Copyright Number = vau000359946

Search Results: Displaying 1 of 2 entries

**Labeled View***Guitar.***Type of Work:** Visual Material**Registration Number / Date:** VAu000359946 / 1996-08-27

Supplemented by: VAu000452550 / 1999-02-10

**Title:** Guitar.**Description:** Sculpture.**Copyright Claimant:** Ferdinand Pickett**Date of Creation:** 1993**Copyright Note:** See also Guitar; Reg. 10Feb99; VAu 452-550**Names:** Pickett, Ferdinand**Save, Print and Email (Help Page)**

Select Download Format Full Record ▾

**Format for Print/Save**

Enter your email address:

**Email**[Help](#) [Search](#) [History](#) [Titles](#) [Start Over](#)[Contact Us](#) | [Request Copies](#) | [Get a Search Estimate](#) | [Frequently Asked Questions \(FAQs\) about Copyright](#) | [Copyright Office Home Page](#) | [Library of Congress Home Page](#)

f ) Ferdinand Pickett's Guitar is a sculptural work derived from a " Book " called "Symbols, Signs and Signets"

By Ernst Lehner

Registration number: A00000048579

Date-1950-09-25

Renewal registration- RE00000001868

Date- 1978-03-29 (Exhibit C)

Johanna Lehner (W)

All rights reserved under Pan American and international copyright convention.

Symbols, Signs and Signets belong to the Dover Pictorial Archives series up to ten illustration from this book may be reproduced on any one project or in any single publication " Quote" ( Exhibit d) copy attached

g ) Ferdinand Pickett did not need permission from (PRINCE ROGERS NELSON) Now governed by PAISLEY PARK and BREMER TRUST to make derivative work, a derive work is a work based on one or more exciting work 17 U.S.C. § 101

Ferdinand Pickett three dimensional guitar is a copyrightable sculptural derivative work based on Dover Pictorial Archive No. 366 Page 74 (Symbols, Signs and Signets) Section 103(a) Contemplates and permits the copyrightable (exhibit d) of a derivative work.

h) DEFENDANT Elisabeth Schoening with the late Prince Roger Nelson share copyright registration

Registration No.- V3383P84

Date-1997-06-27

(Notes transfer of copyrights Love Symbol #2)

This Love Symbol #2 is basically a clone and is strikingly and substantially similar to Dover Pictorial Archive No. 366 ( Exhibit )



# Copyright

United States Copyright Office

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## Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Name = lehner ernst

Search Results: Displaying 3 of 3 entries

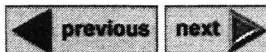


Exhibit  
C

Labeled View

*Symbols, signs and signets. By Ernst Lehner & Ervine Metzl.*

**Type of Work:** Text

**Registration Number / Date:** RE0000001868 / 1978-03-29

Renewal registration for: A00000048579 / 1950-09-25

**Title:** Symbols, signs and signets. By Ernst Lehner & Ervine Metzl.

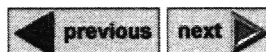
**Copyright Claimant:** Johanna Lehner (W)

**Variant title:** Symbols, signs and signets.

**Names:** Lehner, Ernst

Metzl, Ervine

Lehner, Johanna



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Published in Canada by General Publishing Company, Ltd., 30 Lesmill Road, Don Mills, Toronto, Ontario.

Published in the United Kingdom by Constable and Company, Ltd., 10 Orange Street, London WC 2.

This Dover edition, first published in 1969, is an unabridged republication of the work originally published in 1950 by the World Publishing Company.

*Symbols, Signs & Signets* belongs to the Dover Pictorial Archive Series. Up to ten illustrations from this book may be reproduced on any one project or in any single publication, free, and without special permission. Wherever possible please include a credit line indicating the title of this book, author and publisher. Please address the publisher for permission to make more extensive use of illustrations in this volume than that authorized above.

*Standard Book Number: 486-22241-1*

*Library of Congress Catalog Card Number: 69-16134*

Manufactured in the United States of America

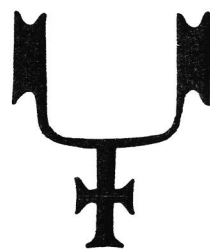
Dover Publications, Inc.

180 Varick Street

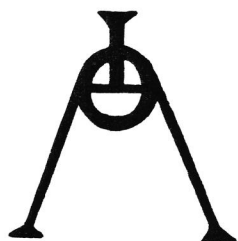
New York, N. Y. 10014



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361



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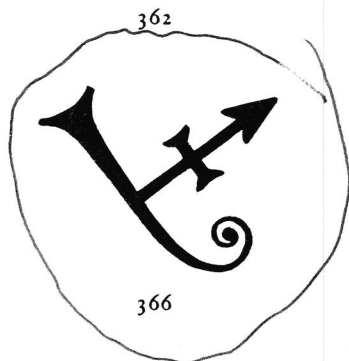
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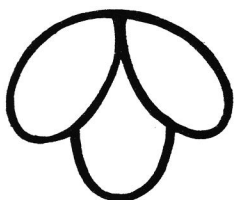
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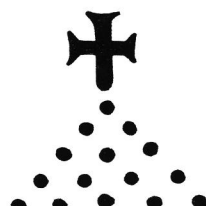
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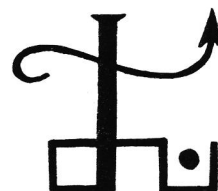
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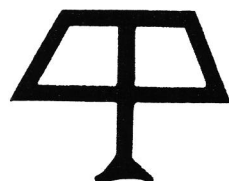
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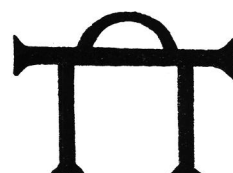
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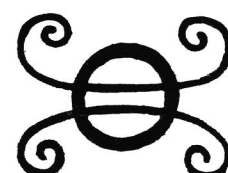
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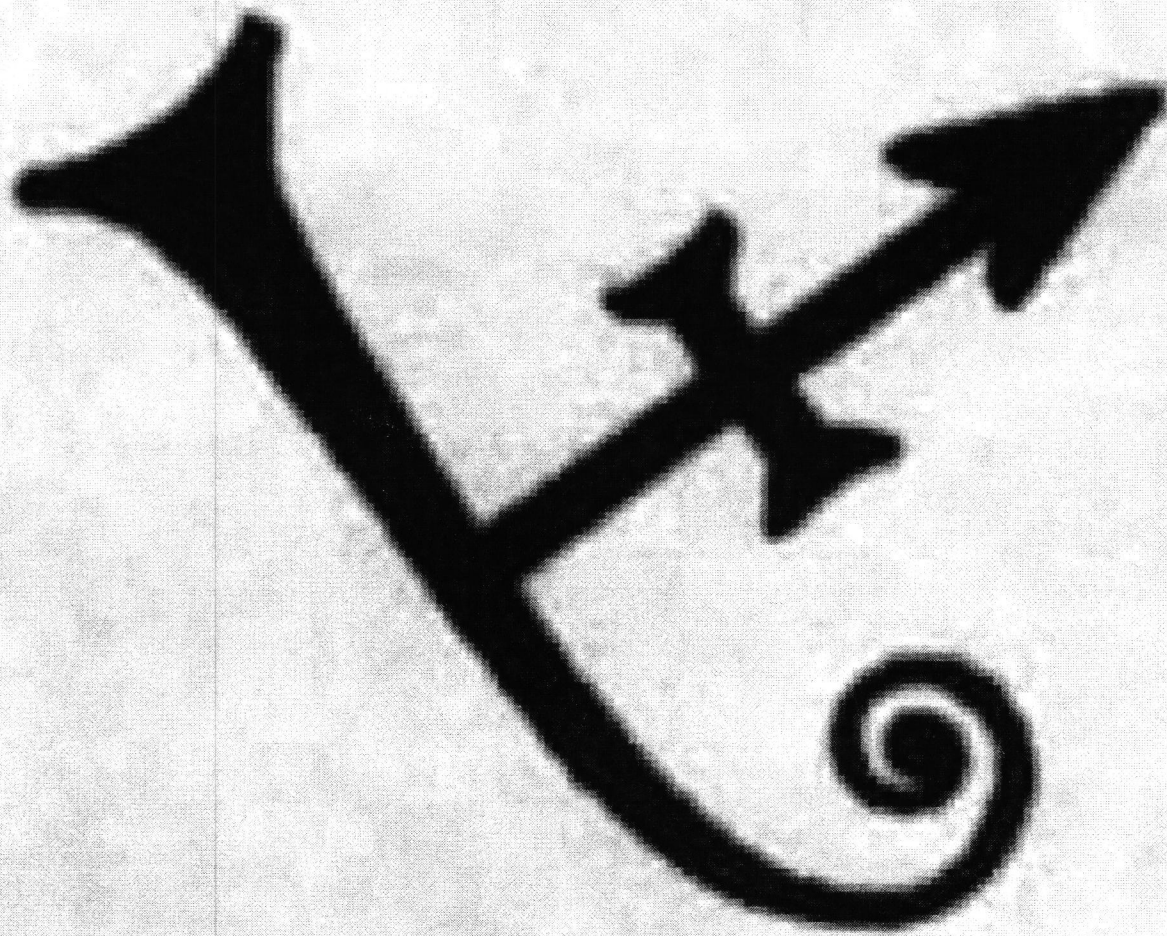


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## Copyright catalog Author Search for prince symbol guitar

**From:** "ILS System" <voyager@sun21.loc.gov>  
**To:** ednigma@gmx.com  
**Date:** Oct 26, 2016 10:05:24 PM

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Type of Work: Recorded Document

Document Number: V3383P284

Date of Recordation:  
1997-06-27

Entire Copyright Document:  
V3383P284-286

Date of Execution: 1May91

Title: Love symbol, no. 2.

Notes: Transfer of copyright.

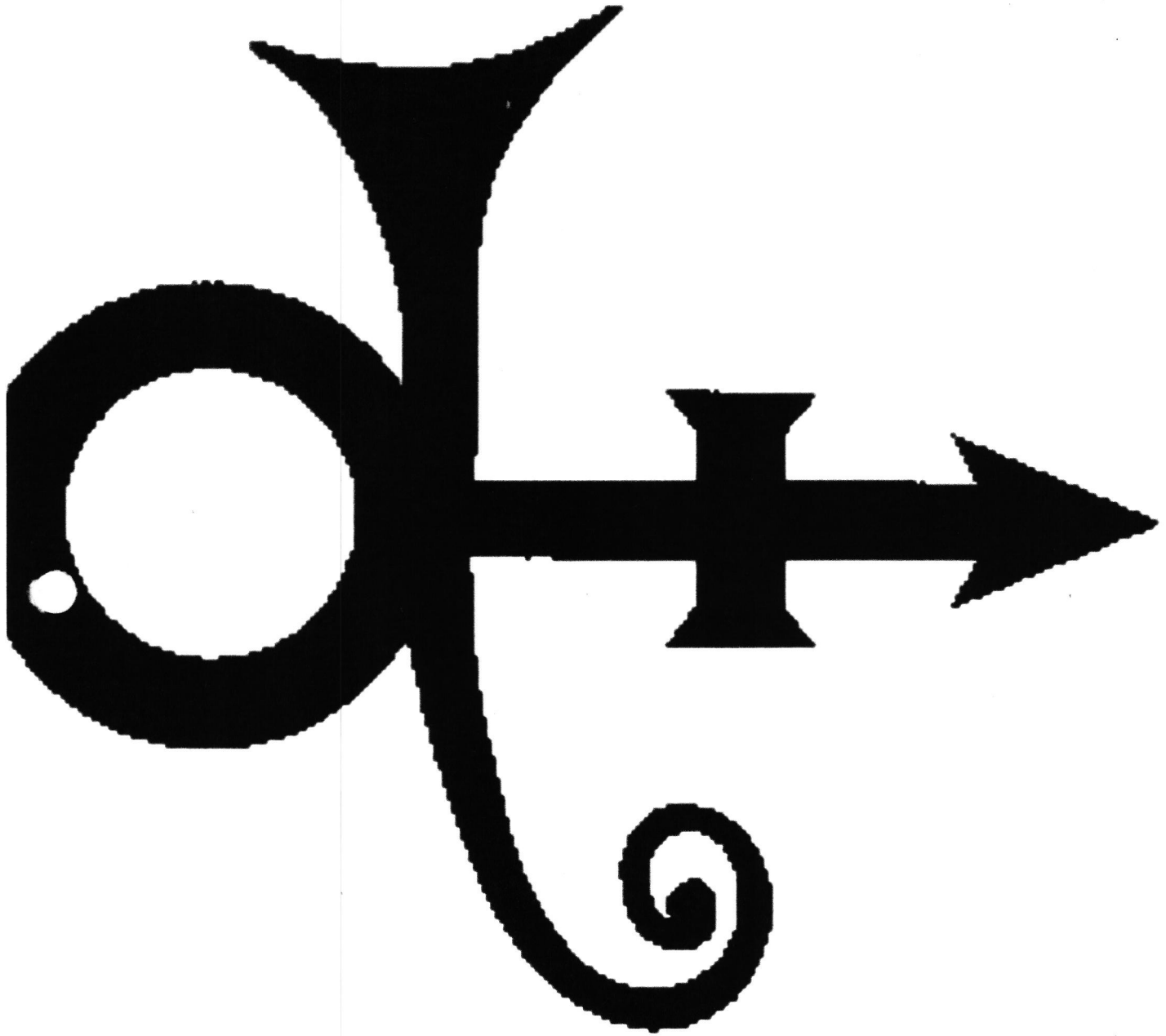
Party 1: Elisabeth Schoening.

Party 2: Prince Rogers Nelson.

Names: Schoening, Elisabeth  
Nelson, Prince Rogers

=====

++++  
The Library of Congress  
United States Copyright Office  
101 Independence Ave., S.E.  
Washington, D.C. 20559-6000  
202-707-3000



DUPL



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Count 1

As a complete first ground for relief, I FERDINAND PICKETT, hereby charges all defendant with infringement of U.S. Copyright Reg. No. Van 359-946 under copyright Laws of United States, 17 U.S.C. § 101 et seq.

By virtue of foregoing conduct and acts has willfully infringed upon FERDINAND PICKETT distributing all types of reproduction of the accused guitar which is strikingly and substantially similar and virtually identical to FERDINAND PICKETT's guitar.

FERDINAND PICKETT did not give permission to copy, distribute, reproduce manufacture or publicly display FERDINAND PICKETT's copyrighted guitar.

Defendant's will continue to infringe FERDINAND PICKETT's copyrights unless permanently enjoined from doing so.



Count 11

As a complete and second ground for relief, FERDINAND PICKETT hereby alleges that all defendants action constitutes false designation of origin and false description, a violation of in U.S.C. § 122 5 (a) the Lanham act and realleges paragraphs of this complaint.

Defendant renders in commerce, musical instruments, music and entertainment services and related goods to the public.

Paisley Park has represented, in commerce that the accused guitar was created by person other than FERDINAND PICKETT.

Because FERDINAND PICKETT, being a luthier and designer and constructing "unique" shaped guitar, the false and misleading representation are material to FERDINAND PICKETT ability of attracting business .

As a direct consequence of defendants false and misleading representation FERDINAND PICKETT has been irreparably harmed.

**Prayer For Relief**

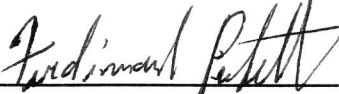
Wherefore plaintiff, FERDINAND PICKETT,

Prays for the following relief:

- 1). Judgement that defendants has and is infringing FERDINAND PICKETT copyright in the guitar.
- 2). An order that defendants permanently enjoined from infringing FERDINAND PICKETT copyrights in the guitar.
- 3). An order that defendants be permanently enjoined from falsely representing the authorship of the accused guitar.
- 4). An order impounding and disposing of all infringing articles.
- 5). An award against defendants for actual damages sustained by FERDINAND PICKETT on account of defendants infringements and any profits of defendants attributable to his infringement and pre- judgement and post- pre-judgment on such award.

6. That this court find this case exceptional under is u.s.c. §1117 and award FERDINAND PICKETT his reasonable attorney fees.
7. That this court award FERDINAND PICKETT his taxable costs.
8. A judgement for such and other further relief as the court may deem fair and just.

FERDINAND PICKETT

By 

351-A E. 91<sup>st</sup>,

Chicago IL, 60619

773-746-2369

Plaintiff, Pro Se